

## Department of Labor

2912.302

the purchase request. The justification must state that the product, or specific product feature, is essential to the Government's requirements and other similar products or features will not meet these requirements. This determination must be signed by a representative of the office originating the request and must accompany the purchase requisition submitted to the appropriate contracting office. If such a justification is not made, the contracting officer may assume that another make and model or a generic product could equally meet the DOL requirement.

(b) In accordance with FAR 10.002(b), the requisitioning office must submit to the contracting officer information demonstrating that a variety of products from various commercial sources have been considered. This requirement is not necessary for required sources (See FAR 8.001). Orders to be placed against non-mandatory sources, such as the Federal Supply Schedules, or other Governmentwide Acquisition Contracts, should include product information concerning multiple sources based on research from *www.contractdirectory.gov* site or other sources. When documented in this manner, the contracting officer may rely on this information in developing a procurement strategy, or for documenting the comparison of catalogs or pricelists.

[69 FR 22991, Apr. 27, 2004]

### **PART 2911—DESCRIBING AGENCY NEEDS**

#### **Subpart 2911.1—Selecting And Developing Requirements Documents**

Sec.

2911.103 Market acceptance.

#### **Subpart 2911.5—Liquidated Damages**

2911.501 Policy.

AUTHORITY: 5 U.S.C. 301; 40 U.S.C. 486(c).

SOURCE: 69 FR 22991, Apr. 27, 2004, unless otherwise noted.

#### **Subpart 2911.1—Selecting And Developing Requirements Documents**

#### **2911.103 Market acceptance.**

The authority of the Head of an Agency under FAR 11.103(a), to require offerors to demonstrate that the items offered have either achieved commercial market acceptance or been satisfactorily supplied to an agency under current or recent contracts for the same or similar requirements, and otherwise meet the item description, specifications, or other criteria prescribed in the public notice and solicitation, is delegated to the HCA.

#### **Subpart 2911.5—Liquidated Damages**

#### **2911.501 Policy.**

In accordance with FAR 11.501(d), the authority of the Head of Agency to recommend to the Department of Treasury, Commissioner, Financial Management Services, that the amount of a contractor's liquidated damages be waived or reduced in whole or in part, is delegated to the HCA.

### **PART 2912—ACQUISITION OF COMMERCIAL ITEMS**

#### **Subpart 2912.3—Solicitation Provisions and Contract Clauses for the Acquisition of Commercial Items**

Sec.

2912.302 Tailoring of provisions and clauses for the acquisition of commercial items.

AUTHORITY: 5 U.S.C. 301; 40 U.S.C. 486(c).

SOURCE: 69 FR 22991, Apr. 27, 2004, unless otherwise noted.

#### **Subpart 2912.3—Solicitation Provisions and Contract Clauses for the Acquisition of Commercial Items**

#### **2912.302 Tailoring of provisions and clauses for the acquisition of commercial items.**

In accordance with FAR 12.302(c), a request for waiver to tailor terms inconsistent with customary commercial